

DECISION NOTICE

PINTAIL FLAT CONSERVATION EASEMENT

Montana Fish, Wildlife & Parks
Region 6 - Glasgow
May 12, 2016

PROPOSAL

Montana Fish, Wildlife & Parks (FWP) is proposing to purchase a perpetual conservation easement on 1,760 acres owned by Wetlands America Trust, Inc in Phillips County. Wetlands America Trust is a supporting arm of Ducks Unlimited. The property, referred to as Pintail Flat, consists of a single parcel located west of Malta and 14 miles south of Dodson. The cost to FWP to acquire the conservation easement will be \$405,000, which reflects a donation of \$100,000 from Wetlands American Trust, Inc from the \$505,000 determined by an independent appraisal to be the fair market value. Funds will be provided by FWP's Migratory Bird Wetland program.

The primary purpose of this action is to protect, enhance and preserve the integrity of the native habitats and their traditional agricultural use and ownership to include livestock grazing. The terms of the easement are directed at conserving the primary habitats represented on the property, including grasslands interspersed with wetland communities. This interspersed of grasslands and wetlands is valuable for waterfowl production, and also supports breeding and migrating shorebird and grassland bird species. In addition, habitats that support sage grouse, sharp-tailed grouse, mule deer, antelope, black-tailed prairie dogs, and a wide variety of native species of migratory birds, songbirds, and small mammals, will be perpetuated. The easement also assures that free public access for hunting and wildlife viewing will continue to be the tool used to manage game populations and provide recreational opportunities.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) REVIEW

The Montana Environmental Policy Act (MEPA) directs State agencies to assess the impacts of their proposed actions on the human and natural environment. Consistent with this MEPA requirement, FWP described the Pintail Flat Conservation Easement proposal and analyzed its potential impacts in an Environmental Assessment (EA) released to the public on January 22, 2016. The EA was open to public comment through February 26, 2016. During this period, a public hearing was held at the Phillips County Library in Malta on February 16, 2016.

SUMMARY OF PUBLIC COMMENTS

Five people attended the public hearing on February 16, 2016. No formal comment was received at the public hearing. Several concerns were voiced that were subsequently submitted as written comments.

Twenty-five written comments were received, nineteen of which were in favor of FWP acquiring the conservation easement and one was neutral. Supporting comments are classified as follows (the number in parenthesis indicates the number of comments received for that category):

1. Protects wildlife habitat while retaining agricultural use and private ownership on the land (5)
2. Protects wildlife habitat and public hunting and viewing opportunities (12)
3. Protects wildlife habitat (2)

Five written comments opposed to this project. Several comments contained multiple individual comments and are classified as follows (the number in parenthesis indicates the number of comments received for that category):

1. Oppose Ducks Unlimited (DU) revolving lands program (2)
2. Block Management and other easements are already in place to protect habitat and hunting access (3)
3. Value of easement is too high (1)
4. Migratory Bird Funds should be used to maintain other FWP lands (1)
5. Phillips County Commissioners do not allow parking on county roads (1)

FWP RESPONSES TO PUBLIC COMMENTS

Issue 1: Opposition to FWP purchasing an easement from DU.

FWP Response: DU's role as a landowner and utilizing a revolving land program is independent of FWP habitat programs. The proposed conservation easement is based on the merits of the wildlife habitat and matching FWP priorities for habitat conservation to include wetland communities.

Issue 2: Block Management and/or other easements already protect the habitat and/or access values within the proposed easement terms.

FWP Response: No existing easements are in place on the property that protects the wildlife and habitat values in perpetuity. While Block Management is in place, those are annual agreements that pay the landowner for hunter impacts to the property.

Issue 3: The value of the easement is too high.

FWP Response: The appraisal of the property was conducted by an independent certified real estate appraiser not affiliated with FWP or the landowner. The appraisal was based on comparable sales. Furthermore, to address this concern Wetland America Trust, Inc. donated \$100,000 from the \$505,000 appraised value to reduce the cost of the conservation easement to FWP to \$405,000.

Issue 4: Migratory Bird Funds should be used to maintain other FWP lands.

FWP Response: The Migratory Bird Fund is used for the protection, conservation, and development of wetlands and associated uplands in Montana. These funds are not used for maintenance of other FWP lands. A citizen-based Wetland Protection Advisory Council provides program oversight and approved using Migratory Bird Funds for the Pintail Flat conservation easement.

Issue 5: Phillips County Commissioners do not allow parking on county roads.

FWP Response: Terms of the Conservation Easement and management plan have been changed to establish designated parking areas off the county road right-away.

Based on comments received through the public comment period, several changes were made to the draft EA. The conservation easement purchase price is changed from \$505,000 to \$405,000. Walk-in public access for recreation is now from designated parking area(s) to be determined by the landowner rather than the county road. These changes are reflected in the Final EA available for public viewing on the Montana Fish Wildlife & Parks website at <http://fwp.mt.gov/news/publicNotices/>

DECISION

For more than 30 years, Montana Fish, Wildlife & Parks has effectively utilized conservation easements to protect wildlife habitat from development, subdivision and human encroachment; to provide public recreational opportunities; and to work cooperatively with private landowners to maintain compatible agricultural land uses. The proposed Pintail Flat Conservation Easement will ensure that important grassland and wetland habitats will be protected and enhanced, while keeping the land in agricultural production and providing public hunting and other recreational opportunities. The conservation easement will achieve these important conservation goals while having no identified adverse impacts to the natural or human environment.

After reviewing the merits of this proposal and the public comments, it is my decision that Montana Fish, Wildlife & Parks move forward to purchase the Pintail Flat Conservation Easement. This decision is made subject to the approval of the Montana Fish and Wildlife Commission and the Montana Board of Land Commissioners.



Mark Sullivan, Region 6 Supervisor